IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 19592 of 2007(G)

PETITIONER:

BALARAMAPURAM UCHAKKADA LABOUR CONTRACT,
CO-OPERATIVE SOCIETY LTD., NO.T.1280,
REPRESENTED BY ITS SECRETARY RAJAN T.
UCHAKKADA, BALARAMAPURAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.AJITH KRISHNAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY,
FINANCE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
P.W.D.ROADS AND BRIDGES,
THIRUVANANTHAPURAM.

4. THE EXECUTIVE ENGINEER,
PWD ROADS DIVISION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER MOHAMMED FAZIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19592 of 2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF LETTER NO.6732/FR2/2002 DATED 11.12.2002 ISSUED BY THE THIRD RESPONDENT TO THE 1ST AND 2ND RESPONDENT

EXT.P2- TRUE COPY OF THE REPRESENTATION DTED 10.5.2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C). 19592/2007

Dated this the 22nd day of November, 2007

JUDGMENT

Claim of the petitioner is for payment of Rs.34,872/- for the work they have done. Only submission made by the learned Government Pleader is that it is on account of the absence of special letter of credit that the delay has occurred.

2. Absence of the Special letter of credit cannot be a reason for delaying the payment due under a contract and to make the contractor wait endlessly.

3. Having considered the averments in the writ petition, I direct that the respondents shall issue special letter of credit for an amount of Rs.34,872/- and the amouont shall be paid to the petitioner as expeditiously as possible, at any rate within a period of two months on receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs